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GREAT FALLS DIV.

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PATRICK J. SULLIVAN, CLERK
BY _____
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEPHAN FRANCIS DAVIS,

Defendant.

No. CR-03-11-GF-SEH
CV-04-58-GF-SEH

ORDER

United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation¹ on October 20, 2006. Plaintiff filed objections on October 23, 2006. Defendant filed objections on November 1, 2006. The Court reviews *de novo* findings and recommendation to which objection is made. 28 U.S.C. § 636(b)(1).

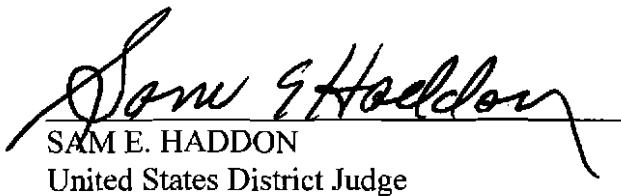
Upon *de novo* review of the record, I find no clear error in Judge Ostby's Findings and Recommendation and adopt them in full.

¹ Docket No. 23

ORDERED:

1. Defendant's Motion to Vacate² is GRANTED as to the Rule 11 claim and DENIED as to ineffective assistance of counsel claim.
2. Defendant's conviction on Count IV is VACATED.

DATED this 6th day of March, 2007.



SAM E. HADDON
United States District Judge

²Docket No. 18.